Fourteenth Loksabha

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Participants : Regupathy Shri S.,Rawat Shri Bachi Singh,Chaliha Shri Kirip,Hamza Shri T.K.,Kumar Shri Shailendra,Singh Shri Ganesh Prasad,Singh Shri Sugrib,Chakraborty Shri Ajay,Gao Shri Tapir,Narbula Shri Dawa,Prabhu Shri Suresh,Radhakrishnan Shri Varkala,Regupathy Shri S.

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Title : Discussion on the motion for consideration of the Assam Rifles Bill, 2006 as passed by Rajya Sabha, moved by Shri S. Regupathy (Motion adopted and Bills passed).

MR. DEPUTY-SPEAKER: Now, we will take up Item 15, Assam Rifles Bill, 2006. The time allotted is only one hour. Shri Regupathy.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI S. REGUPATHY): Mr. Deputy-Speaker, Sir, on behalf of Shri Shivraj V. Patil, I beg to move:

> "That the Bill to consolidate and amend the law relating to the governance of the Assam Rifles, an Armed Force of the Union for ensuring the security of the borders of India, to carry out Counter Insurgency Operations in the specified areas and to act in aid of civil authorities for the maintenance of the law and order and for matters connected therewith, as passed by Rajya Sabha, be taken into consideration."

Sir, I may also add a few words at this stage. The Assam Rifles was raised in 1835 as Cachar Levy for watch and ward duties on the North Eastern border of the country and to assist the Civil Administration in the maintenance of law and order in the tribal areas of the erstwhile composite State of Assam. The Governor of Assam under the overall control of the Ministry of External Affairs administered the Force. The Force has grown from five battalions at the time of Independence to 46 battalions at present.

With the passing of Assam Rifles Act, 1941, it came under the control of the Central Government. In 1962, this Force was placed under the operational control of Army and in 1965, its administrative control was transferred to the Ministry of Home Affairs. Its operational control continues to be with the Army.

The organisational structure, sphere of responsibilities and role of Assam Rifles have undergone a considerable change over a period of time. The Force has expanded both in size and responsibility. At present, the Assam Rifles is performing the following duties[V30].

1. Counter insurgency operations and internal security duties in the North East and other areas wherever necessary, under the operational control of the Army.

2. Guarding the Indo-Myanmar border.

3. Ensuring security of rear areas in the Tactical Battle Area (TBA) during war.

4. Assisting the Army in other operational tasks as and when required during war and peace.

From the experience gathered over the years, it is felt that the Assam Rifles Act, 1941 does not adequately meet the prevalent requirements of the Force in the matter of administration and discipline. The following are the main problems or lacunae in the existing Act:

1. There is mention of officers of the rank of Commandant and Assistant Commandant only. The ranks of Director General, Additional Director General, Inspector General, Deputy Inspector General, Deputy Commandant are not specified in the Act.

2. The cadre officers, that is those promoted from the ranks of the Force above the rank of Subedar Major are not covered under the existing Assam Rifles Act.

3. There is no provision of Security Force Courts in the Assam Rifles Act, 1941; as a result the cases of the Force personnel, who commit various offences have to be handed over to civil police for investigation and trial unlike other Paramilitary Forces.

4. The Assam Rifles Act, 1941 does not provide any departmental remedies like appeal, pardon, remission, etc. and these are appealable only in Sessions Court.

5. The Assam Rifles Act, 1941 does not specify the Force as an Armed Force of the Union.

Therefore, in order to overcome these difficulties and to make the Assam Rifles Act similar to Acts governing other Central Police Organisations, it is proposed to replace the existing Assam Rifles Act, 1941 by a new legislation.

The following are the salient features of the proposed legislation:

1. Constitution of the Assam Rifles as an Armed Force of the Union.

2. Both Assam Rifles personnel and Assam Rifles cadre officers will be brought under one Act, that is, the proposed Assam Rifles Act. However, the personnel on deputation from Army will continue to be governed by the Army Act, 1950.

3. Offences committed by the Force personnel could be tried by duly constituted Assam Rifles Courts.

4. Provisions relating to detention, custody and trial of the offenders under the proposed legislation.

5. Composition and constitution of the Assam Rifles Courts and the procedure to be adopted by such courts and other related matters.

6. Confirmation, revision and execution of sentences, pardons, remissions, etc. and other miscellaneous residuary provisions.

7. Deductions to be made from the pay and allowances of the members of the Force for certain offences.

8. Manner of execution of sentences of death and imprisonment, provisions relating to powers and duties conferrable and imposable on the members of the Force.

9. Protection for acts by the members of the Force.

10. Power to make rules and regulations under the proposed new Act.

Out of 12 chapters in this Bill, Chapters 2 and 3 relate to Constitution of the Force and service privileges. Next eight Chapters relate to defining offences, punishment, penal deductions, arrest and proceedings before trial, constitution of Assam Rifles Court, procedures, confirmation and revision and execution of sentence, pardon, remission, etc.

The proposed new legislation is updation or improvement of the existing Act which has been duly examined and accepted by the Department related Parliamentary Standing Committee of 13th Lok Sabha on Home Affairs. As per recommendations of the said Committee, necessary changes have been made in Clauses 2 and 108 of the present Bill.

It is proposed that the Assam Rifles, which was constituted in 1835, will be deemed to have been constituted under the proposed legislation. All expenses incurred concerning the administration of this Force would be met from the Consolidated Fund of India. As the Force has already been constituted, no additional expenditure of non-recurring nature is likely to be involved when this Bill is enacted and brought into force.

With these words, Sir, I commend this Bill, as passed by the Rajya Sabha, to this august House for consideration and approval.

MR. DEPUTY-SPEAKER: Motion moved:

> "That the Bill to consolidate and amend the law relating to the governance of the Assam Rifles, an Armed Force of the Union for ensuring the security of the borders of India, to carry out Counter Insurgency Operations in the specified areas and to act in aid of civil authorities for the maintenance of the law and order and for matters connected therewith, as passed by Rajya Sabha, be taken into consideration[R31]. "

श्री बची सिंह रावत 'बचदा' (अल्मोड़ा) : उपाध्यक्ष महोदय, मेरी सीट पीछे है। मैं अगली पंक्ति में बैठा हूं। यदि आपकी अनुमति हो, तो मैं यहां से अपना भाण प्रारम्भ कर दूं।

उपाध्यक्ष महोदय : ठीक है। आपको अनुमति है। आप यहां से बोल सकते हैं।

श्री बची सिंह रावत 'बचदा' : उपाध्यक्ष महोदय, असम राइफल्स विधेयक, 2006 जो सदन के सामने लाया गया है, इसके लिए मैं सरकार को धन्यवाद देना चाहूंगा। यह बहुत प्रतीक्षित बिल था। इसे एन.डी.ए. की सरकार ने ड्राफ्ट किया था और इसके हर पहलू पर विचार करने के बाद, 8 मई, 2003 को इसे माननीय लोक सभा में प्रस्तुत किया गया। असम राइफल्स देश की सुरक्षा में बहुत बड़ा योगदान दे रही है और देश की सुरक्षा में इसका बहुत बड़ा बलिदान रहा है। इसलिए यह जरूरी हुआ कि इसे स्टेंडिंग कमेटी को भेजा जाए। अतः इसे स्टेंडिंग कमेटी को भेजा गया और उसने तमाम सिफारिशें दीं जिनमें से कुछ को सरकार ने स्वीकार किया और 19 दिसम्बर को रिपोर्ट आई, लेकिन उस समय चूंकि लोक सभा भंग हो गई और यह विधेयक लैप्स हो गया। इसलिए सेम विधेयक को माननीय मंत्री जी राज्य सभा में 16 मई, 2006 को पारित कराने के बाद, पुनः यहां लेकर आए हैं। उन्होंने इसका बैकग्राउंड भी दिया है कि कैसे 1835 से बल प्रारम्भ हुआ। पहले यह असम के नियंत्रण में रहा, फिर विदेश मंत्रालय के नियंत्रण में रहा और वर्तमान में यह गृह मंत्रालय के नियंत्रण में है, लेकिन इसमें भी दोहरी व्यवस्था है। दोहरी व्यवस्था यह है कि जहां नैशनल एरिया होगा, जहां शत्रु से युद्ध करना होगा, वहां तो आर्मी का ऑपरेशनल कंट्रोल रहेगा और जहां दंड की व्यवस्था अथवा अन्य प्रशासन की व्यवस्था है, वहां होम अफेयर्स मिनिस्ट्री का कंट्रोल रहेगा। इन सबको कंसौलीडेट करते हुए, यह बहुत प्रतीक्षित विधेयक है, जिसे आज यहां पारित करने के लिए लाया गया है। मैं इस विधेयक का स्वागत करते हुए, कुछ सुझावों के साथ टिप्पणी करने के लिए भारतीय जनता पार्टी की ओर से खड़ा हुआ हूं।

उपाध्यक्ष महोदय, सर्वप्रथम तो मैं यह स्पट करना चाहता हूं कि यह विधेयक सदन में आज पास होने के लिए आया है इसलिए इसमें तात्कालिक संशोधन नहीं आएंगे। इस बात को मानते हुए कि हमारी ओर से कोई विधिक आपत्ति आए या सुझाव के रूप में कोई बात आए, तो तात्कालिक कोई संशोधन होगा और इसमें कोई परिवर्तन होगा, यह सम्भव नहीं है। मेरा निवेदन है कि यदि ऐसे कोई सुझाव आएं, तो उन्हें शासन अपने ध्यान में रखे, तो ठीक रहेगा। चैप्टर 12 के अन्तर्गत विनियम और नियम बनाने की शक्तियां इसी विधेयक के द्वारा केन्द्र सरकार प्राप्त कर लेगी। अतः इसके अन्तर्गत रूल्स और रैगुलेशन्स बनाते समय यदि इन सुझावों को ध्यान में रखा जाएगा, तो केवल फोर्स के लिए ठीक रहेगा क्योंकि ऐसा करना असम राइफल्स के जो जवान बहादुरी के साथ, आतंकवादियों के साथ संर्घा में मोर्चा ले रहे हैं और शांति काल में जहां राहत देने का भी काम कर रहे हैं, ला-एंड-आर्डर को मैनटेन करने में सहयोग दे रहे हैं, उनके लिए लाभप्रद होगा।

महोदय, इस बारे में इस विधेयक में जो चैप्टर आया है, वह अध्याय 3 है। इसमें सेवा के जो विशेाधिकार हैं, वे दिए गए हैं। इसमें यह है कि कौन-कौन से विशेाधिकार रहेंगे। उनका उल्लेख खंड 14 से 20 तक में किया गया है जिसके अंतर्गत बताया गया है कि वेतन में से केवल प्राधिकृत कटौती की जाएगी, व्यथित व्यक्तियों को अपने ऑफीसर से यदि कोई नाराजगी है, तो उसकी शिकायत वह उससे सीनियर ऑफीसर को कर सकेगा और उन्मुक्ति की अवस्था में, कहीं कोई सिविल अटैचमेंट है, तो उसके अन्तर्गत यदि उसके ऊपर कोई मुकदमा चलेगा, तो वह उस मुकदमे के प्रभाव से वंचित रहेगा। उसका प्रभाव उनके ऊपर नहीं पड़ेगा। यदि उनके ऊपर ऋण है और ऋण के अन्तर्गत गिरफ्तारी का वारंट है, तो वे वारंट से विमुक्त रहेंगे और उन्हें गिरफ्तार नहीं किया जा सकेगा। असम राइफल्स के न्यायालय में हाजिर होने वाले व्यक्तियों की

गिरफ्तारी नहीं होगी, उन्हें उससे वंचित रखा गया है। इसका क्लाज 20 बहुत महत्वपूर्ण है। अन्य विधियों के अन्तर्गत बल के जवानों को कुछ अधिकारी और कुछ विशेाधिकार प्राप्त हो सकेंगे। इस संबंध में मेरे पास तीन रिप्रजेंटेशन आए हैं। मैं इनका उल्लेख इसलिए कर रहा हूं क्योंकि असम राइफल्स का जो 1941 का बिल है, जो वर्तमान अधिनियम के अन्तर्गत शासित है और वह इस विधेयक के पारित होने के बाद, नए अधिनियम का स्वरूप ग्रहण करेगा, तब वर्ा 1941 का असम राइफल्स अधिनियम व्यपगत हो जाएगा, लैप्स हो जाएगा और रिपील हो VÉÉAMÉÉ[rpm32]।

लेकिन तब तक, जो वर्तमान व्यवस्था के अंतर्गत, यहां से सेवानिवृत्त होने के बाद जवानों के लिए जो व्यवस्था की गयी है कि वह असम राइफल्स, पूर्व सैनिक संगठन के अंतर्गत कार्य करेंगे, अपने सुझाव और अपनी आवश्यकताएं बल के समक्ष रखेंगे, आप जानते हैं कि बल के गठन में भिन्न प्र ाांतों के लोगों की व्यवस्था है, जैसे हमारे कुमाऊं रेजिमेंट में कुमाऊं के 37 प्रतिशत लोग हैं, सिक्ख 15 प्रतिशत है, इसके अलावा जाट और अहीर इत्यादि हैं। जिस तरह से आर्मी का स्वरूप मिक्स्ड है, उसी तरह से असम राइफल्स का स्वरूप भी मिक्स्ड है, लेकिन इसका नाम असम राइफल्स है। इसमें उत्तरांचल के लगभग दस हजार जवान सेवारत हैं - लगभग 12 से 14 हजार तक - निश्चित गिनती सामने नहीं आयी है, इन्होंने तो बढ़ाकर बताया है, उसमें से कुछ सेवानिवृत्त हुए हैं। उनकी रिप्रज़न्टेशन मेरे पास आयी है। असम राइफल्स सैनिक एवं पूर्व सैनिक संगठन, उत्तरांचल प्रदेश इसमें से एक है। इसके प्रिवलेजिज़, जिसका मैंने उल्लेख किया, अध्याय संख्या तीन के अंतर्गत इन्होंने अपनी ओर से जानकारी दी है कि जो उनके प्रिवेलेजिज़ है, सेना अधिनियम के अनुसार जो सैनिक हैं, उनको प्राप्त तो है, इसके अतिरक्त कुछ और प्रिविलेजिज़ जो उनको प्र ाप्त होते हैं, जो अन्य अधिनयमों में हैं, उनमें से एक है, इच्छापत्र करने का अधिकार। भारतीय उत्तराधिकार अधिनियम की धारा 65 और 66 में व्य वस्था की गयी है कि जब वे किसी अभियान में नियोजित हों या किसी वास्तविक युद्ध में लगे हों तो उसे साधारण व्यक्ति द्वारा की गयी इच्छाओं के मामले में औपचारिकता और हस्ताक्षर का अनुप्रमाण का अनुपालन किए बिना, मौखिक रूप से भी विशेाधिकार प्राप्त इच्छा का अधिकार हो। चूंकि इच्छा विशेाधिकार का क्षेत्र है और सैनिक के लिए भी व्यवस्था है, इसलिए जब इसमें नियम बनाने की व्यवस्था आए तो इसमें इस प्रिविलेज को भी जोड़ा जाना चाहिए।

इसी के साथ-साथ डयूटी के दौरान पथकर से छूट मिलनी चाहिए, जो इस विधेयक में नहीं है। इसका उल्लेख इस तरह से आया है कि पथकर थलसेना तथा वायुसेना अधिनियम 1901 और 1902 की धारा 3 के अधीन सेवा में होने वाले व्यक्तियों को सेना पदाधिकारियों के आदेशाधीन अपने परिवार के सदस्यों तथा माल-असबाब सहित संचलन के दौरान किसी भी पथकर की अदायगी से छूट है। इसमें ट्रांसफर, फैमिली के साथ आना-जाना है और ट्रक में जो सामान है, उसका रोड़ टैक्स माफ होना चाहिए। मैं चाहता हूं कि इसे भी माननीय मंत्री जी संज्ञान में लेंगे।

इसके अतिरक्त न्यायालय फीस में भी छूट दी गयी है। न्यायालय फीस अधिनियम, 1870 की धारा 19 (ए) के अनुसार सेवा अधिनियम के अधीन होने वाले ऐसे व्यक्तियों द्वारा निपादित मुख्तारनामा न्याय फीस से मुक्त है लेकिन सिविल नियोजन में नहीं है। इसके अलावा कई अन्य विाय हैं, जिनके विस्तार में मैं नहीं जाना चाहता हूं। मुझे जो ज्ञापन प्राप्त हुए हैं, मैं अपनी ओर से वे माननीय मंत्री जी तक भिजवा दूंगा।

दूसरा ज्ञापन, जिसका मैं उल्लेख कर रहा हूं, इसमें असम राइफल्स पूर्व सैनिक संगठन, रानीखेत, जिला अलमोड़ा के अध्यक्ष यू.डी जोशी ने भी अपनी ओर से मांग की है। इसमें सुविधाओं का कोई उल्लेख नहीं है। जो सुविधाएं उनको नहीं मिली है, उसमें जो प्रमुख सुविधा है, जिसके लिए मैं और बी.सी खण्डूरी जी लगातार मांग करते रहे हैं कि जिस तरह से फौज के लिए सीएसडी कैंटीन की सुविधा है, उसी तरह से इस बल के लिए भी यह सुविधा होनी चाहिए। चाहे असम राइफल्स हो, आईटीबीपी हो, बीएसफ हो, हर एक बार्डर पर रहते हुए अघोाित और प्र ौक्सी वार लड़ना पड़ता है। इसके अलावा अग्रैशन का पहला सामना इन्हीं को करना पड़ता है, लेकिन सीएसडी कैंटीन की सुविधा इनके लिए नहीं है। इस पर विशेा रूप से ध्यान देने की आवश्यकता है। सभी संगठनों का यह कहना है कि यह सुविधा इनको भी मिले। इसके लिए फौज के साथ इस बारे में बातचीत की जा सकती है। यदि हम अलग से कैंटीन नहीं बनाना चाहते हैं तो पूर्व सैनिकों को जो सुविधाएं मिलती है, चाहे वह लिकर के मामले में हो, राशन के मामले में हो अथवा अन्य उपयोग की वस्तुओं के मामले में हो, जैसी सुविधा उनको मिल रही है, उसी तरह से इनको भी मिलनी चाहिए। इनके पे-स्केल तो ईक्वल हैं लेकिन यह सुविधा नहीं होने से इन्हें मार्किट में बहुत समस्याएं खड़ी होती हैं[c33]।

इसके अलावा इनका जो विशेा उल्लेख है कि उनके बच्चों के लिए विशेा रूप से छात्रवृत्ति मिले, उनको प्रवेश में अंकों की छूट मिले और इसके अतिरिक्त जो जिला स्तर पर फौज के सिपाही के लिए या पूर्व आफिसर के लिए, डी.एम. या एस.पी. को विशेा रूप से ध्यान देना होता है, लेकिन जो इस बल के जवान हैं, उन पूर्व सैनिकों के प्रति कतई कोई ध्यान नहीं दिया जाता। इनके और भी मसले हैं, उनका उल्लेख अलग

से है। दूसरे हाल ही में इनकी जो कांफ्रेंस हुई है, इन्होंने जो रिप्रेजेण्टेशन दिया है, इनकी एसोसिएशन ने इसके लिए जिक्र किया है, असम रायफल्स एसोसिएशन, अल्मोड़ा-पिथौरागढ़ ने दो विाय मुख्य रूप से लिए हैं। इनकी जो समस्याएं हैं, उन समस्याओं में जो डैपुटेशन के कारण आर्मी के आफिसर्स आते हैं, चूंकि इस बिल में भी व्यवस्था है कि फौज के आफिसर ऑन डैपुटेशन असम रायफल्स में आयेंगे तो लिहाजा उनके डैपुटेशन में आने के कारण जो प्रमोशन में, यानी कि हर एक का जो पदोन्नति का अवसर है, वह बहुत अधिक घटता है।...(व्यवधान)

उपाध्यक्ष महोदय : आपकी पार्टी के एक स्पीकर और भी हैं, यह आप देख लें। आपको 12 मिनट हो गये और एक घंटा सारा टाइम है।

श्री खारबेल स्वाईं (बालासोर) : इनीशियल फर्स्ट स्पीकर हैं, इसलिए थोड़ा तो ध्यान रखिये।...(व्यवधान)

श्री बची सिंह रावत 'बचदा' : दो-तीन लीगल पाइंट्स अभी आएंगे। डैपुटेशन की बात मैं खत्म कर रहा हूं। माननीय मंत्री जी, मैं फाइल आपके पास भिजवाऊंगा। उनका यह एलीगेशन भी है कि जो लोग डैपुटेशन पर आते हैं, चूंकि असम राइफल्स एक्ट 1941 का है, वह उनके ऊपर लागू नहीं होता, लिहाजा जो निर्माण के कार्य हैं और जिसकी बार-बार इसमें रिपोर्टिंग आई है, हमारे लिए खेदनजक है कि मीट खरीदने के मामले में, राशन खरीदने के मामले में, कंस्ट्रकशन के मामले में बड़े-बड़े करप्शन के चार्जेज़ हैं, जिनकी जांच नहीं हो पाती, लिहाजा इस विाय को विशेा रूप से देखे जाने की आवश्यकता है। इनके जो सारे रिप्रेजेण्टेशन हैं, वे मैं माननीय मंत्री तक पहुंचाने का आश्वासन दे रहा हूं।

मैं तीन विाय, जो क्लाज़ 93 है, क्लाज़ 108 है और क्लाज़ 120 है, इन तीनों की ओर माननीय मंत्री जी का और सदन का ध्यान आकृट करना चाहूंगा। जो क्लाज़ 93 है, उसके अन्दर उल्लेख किया गया है। इसको देखने से लगता है कि इसमें संशोधन की आवश्यकता है। भविय में इस विाय पर गहराई से विचार होना चाहिए। क्लाज़ 93 के अन्तर्गत है कि असम राइफल्स न्यायालय को विघटित या कोर्ट्स की बन्दी नहीं है, लेकिन कोर्ट्स का डिजोल्यूशन कब होगा, उसका विघटन कब होगा, इनका कहना है, यदि विचारण प्रारम्भ होने के पश्चात किसी असम राइफल्स न्यायालय में उन आफिसरों की संख्या, जिनसे

14.53 hrs.

(Shri Arjun Sethi in the Chair)

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मिलकर वह बना है, उस न्यूनतम संख्या से, जो इस अधिनियम द्वारा अपेक्षित है, कम हो जाती है तो उसे विघटित कर दिया जायेगा। दूसरे बीमारी के कारण यदि निर्का के पहले विधि आफिसर की या अभियुक्त की उपस्थिति रुग्णता के कारण विचारण चलाते रहना असम्भव हो जाता है तो असम राइफल्स न्यायालय को विघटित कर दिया जाएगा। इसमें दूसरा क्लाज़ भी दिया है। इसके बाद क्लाज़ 93 के सब क्लाज़ चार में दे दिया कि जहां असम राइफल्स न्यायालय को इस धारा के अधीन विघटित कर दिया जाता है, वहां अभियुक्त का विचारण फिर से किया जायेगा, यानी ट्रायल अगर एक बार स्टार्ट है और वह एवीडेंस की स्टेज पर चला जाये, जब साक्ष्य भी ग्रहण हो गया, काफी आगे तक मामला बढ़ गया, लेकिन उसका कोई प्रीज़ाइडिंग आफिसर बीमार पड़ गया तो उसका डिजोल्यूशन हो जायेगा, कोर्ट का विघटन हो जायेगा और फिर नये सिरे से ट्रायल होगा। इसमें सारे साक्ष्य आ गये तो दोबारा ट्रायल करने के बजाय इसमें संशोधन आना चाहिए था कि ऐसी स्थिति में यदि विघटन हुआ तो विचारण जिस स्तर तक हुआ है, उसके आगे का ट्रायल चलना चाहिए, न कि पूरे के पूरे ट्रायल को विघटित करना चाहिए, जबकि वह बीमारी की स्थिति में है। इसकी ओर विशेा रूप से माननीय मंत्री जी ध्यान दें।

अब मैं दूसरे क्लाज़ पर आता हूं। मैंने तीन का उल्लेख किया था, उसमें जो दूसरा क्लाज़ है, वह क्लाज़ नं. 108 है। इसमें व्यवस्था दी गई है कि जब कहीं जो भी निर्णय होगा, चाहे वह मृत्युदंड तक हो, मृत्युदंड तक की व्यवस्था हम करने जा रहे हैं और चार आफिसर हों, 5 आफिसर हों तो जो प्रीज़ाइडिंग आफिसर्स हैं, उनका जो निर्णय होगा, सदस्यों के द्वारा मतदान-108 की उपधारा (2) और उपधारा (3) के उपबन्धों

के अधीन रहते हुए, असम राइफल्स न्यायालय का प्रत्येक विनिश्चय स्पट बहुमत से पारित किया जायेगा; और जहां या तो निर्का या दंडादेश के बारे में मत बराबर हैं वहां विनिश्चय अभियुक्त के पक्ष में होगा। इसका जो अंग्रेजी एडीशन आया है, उसमें वोट वर्ड आया है। [m34]

एक शब्द वोट का इसमें उल्लेख है, यानी उसका 7 साल का कारावास या 14 साल का कारावास, केवल वोट करके न हो, बल्कि कम से कम उसमें न्यायिक निर्णय का उल्लेख होना चाहिए। वे उसमें रीजंस दें, न केवल वोट कास्ट करें और वोट के आधार पर उसका सारा फैसला हो। इस बारे में भी ध्यान दिए जाने की आवश्यकता है। मैं इसका उल्लेख इसलिए कर रहा हूं, क्योंकि जब स्ट्रेस की बात आती है, एक जवान दबाव में रहता है, तनाव में रहता है, आत्महत्याओं की इतनी सारी घटनाएं सामने आयी हैं, एक हवलदार ने फलां व्यक्ति को गोली मार दी, अपने अफसर से गुस्सा होकर उसने फायरिंग कर दी और यहां उससे ऐसी ड्यूटी लेना, इसके बाद उसके लिए ऐसे प्रावधान इस सदन में बनाना, इस संबंध में विशेा रूप से देखा जाना चाहिए कि वोट का प्रावधान न होकर जुडीशियस डिसीजन और ओपिनियन होना चाहिए।

एक क्लॉज 120 इसमें आया है, जो मैं समझता हूं कि न्यायिक सिद्धांतों के कतई विपरीत है। इसलिए मेरा कहना है कि अगर कोई प्रीवियस कन्विक्ट है, पूर्व दोासिद्ध है, एक बार व्यक्ति का कन्विक्शन हुआ हो, तो इसमें दोा सिद्धि के लिए, साधारण सील का साक्ष्य, क्लाज 120 (2) में कहा गया है कि धारा के अधीन प्राप्त किया गया साक्ष्य, यानी प्रीवियस कन्विक्ट की जो एवीडेंस हो, वह मौखिक या असम राइफल्स न्यायालय की पुस्तकों या अन्य विवेचनों की पुटि के रूप में मिल जाएगी, इसका विचारण किया गया है और विचारण के पूर्व यह सूचना देना आ वश्यक नहीं होगा कि इसके पूर्व दोा-सिद्धी या सील के बारे में साक्ष्य प्राप्त किया जाएगा - यानी प्रीवियस कन्विक्ट के पूर्व दोा सिद्ध का साक्ष्य मौखिक लिया जाएगा, जबकि यह हो सकता है कि किसी अफसर का जवान से कोई मनमुटाव है, तो वह निश्चित रूप से मौखिक रूप से कह सकता है कि यह तो प्रीवियस कन्विक्ट है। अगर कोई पूर्व दोा सिद्ध है, तो उसका उल्लेख लिखित होना चाहिए, मौखिक नहीं होना चाहिए।

क्लॉज 3 में यह उल्लेख किया गया है कि इस धारा के पूर्वगामी उपबंधों के अधीन साबित किए जाने की अपेक्षा, करने के बदले, समरी असम राइफल्स का विचारण करने वाला आफिसर अपनी जानकारी के रूप में निरूपित कर सकेगा कि यह व्यक्ति पहले से दंडित था, अपनी जानकारी के आधार पर और मौखिक, ये जो दोनों प्रावधान हैं, हम कहेंगे कि इसमें निश्चित रूप से निपक्ष और न्यायिक और न्याय का प्र ातिपादन होना चाहिए, जबकि इसके सिद्धांतों के यह कतई विपरीत है, ऐसी स्थिति में, इस ओर विशेा ध्यान देना चाहिए।

मैंने उल्लेख किया कि स्ट्रेस क्यों हैं, क्यों ऐसी घटनाएं सामने आ रही हैं और इनके लिए क्यों व्यवस्थायें नहीं हैं? शिक्षा और कैंटीन की व्यवस्था आपकी ओर से नहीं हैं। कैंटीन की मांग कई बार की जा चुकी है। एक्ससर्विस मैन के लिए सीजीएचएस के पैटर्न पर पिछली सरकार व्यवस्था लायी थी, एक्स सर्विस मैन की गवर्नमेंट हास्पिटल स्कीम में, यदि एक बार वे रिटायरमेंट के बाद अंशदान दे दें और सरकारी चिकित्सालय और रिकमेंड करें, तो उनका प्राइवेट हास्पिटल में उपचार हो सकेगा, यह स्कीम इनके लिए नहीं है। बच्चों के लिए कहीं कोई अंकों की छूट दी जाएगी, यह व्यवस्था भी नहीं है। री-सेटेलमेंट की कहीं व्यवस्था नहीं है। उनको लगातार बार्डर पर रहना है, चाहे वह बर्मा का बार्डर हो या चाइना से लगा हुआ बार्डर हो। रेग्युलर आर्मी की तीन साल की ड्यूटी के बाद पीस ड्यूटी मिलती है, जब उसे शांति क्षेत्र में भेजा जाता है, लेकिन इनकी कोई बटालियन यहां नहीं है। जैसे आइटीबीपी के जवानों की हमेशा से मांग रही है कि हम हमेशा तिब्बत बार्डर पर रहते हैं, दिल्ली में या अन्य जगहों पर कुछ ऐसी बटालियंस होनी चाहिए कि तीन साल बर्फीले इलाके के बाद, वे कम से कम साल भर यहां पर आकर रह सकें।

अंत में मैं कहना चाहूंगा जो फेमिली क्वार्टर्स हैं, सैनिकों के आवास के लिए फैमिली क्वार्टर्स की व्यवस्था है, लेकिन इनके लिए फैमिली क्वार्टर्स की व्यवस्था नहीं है, पत्नी और माता-पिता के लिए कोई व्यवस्था नहीं। खुद बार्डर पर हैं और बच्चों की शिक्षा का प्रबंध नहीं। यही कारण है कि तनाव में रहते हुए, इनके सामने वही स्थिति आती है कि या तो अपने को वे गोली मार लेते हैं, या फिर अपने सहयोगियों पर गोली चलाते हैं। ये घटनाएं बढ़ रही हैं। उनको छुट्टी अफसर नही देते। ये सारी घटनाएं कम हों, इस दिशा में हम जरूर, जब हम इसके रूल्स और रैग्यूलशन बना दे, माननीय मंत्री जी, इस विधेयक के पास होने के बाद, इस विाय में अवश्य ध्यान रखेंगे, ऐसा विश्वास मैं प्रकट करते हुए, चूंकि माननीय सभापति जी ने ज्यादा समय प्रदान नहीं किया, मुझे बहुत सारी बातें कहनी थी, लेकिन माननीय मंत्री जी हमारी इतनी बातें मान लें, तो हमारे लिए पर्याप्त होगा। जो पूर्व सैनिक हैं और कार्यरत सैनिक असम राइफल्स में हैं, उनकी बहुत-बहुत अपेक्षाएं सरकार और इस विधेयक से हैं। इसलिए इस ओर आप अवश्य ध्यान देंगे।

इन्हीं शब्दों के साथ विधेयक का समर्थन करते हुए अपनी बात को विराम देता हूं।

SHRI KIRIP CHALIHA (GUWAHATI): Mr. Chairman, Sir I rise to support the Assam Rifles Bill and would like to make a few submissions not really about the practicalities about the clauses involved but more about some of the general feelings concerning Assam Rifles.

There is an inscription in Cohiba cemetery which is very famous and which reads like this: when you go home tell them of us, and say, for your today we gave up our tomorrow'. These are the valiant people who give up their lives to give us our today. There will not be exaggeration to say that Assam Rifles has been one of the oldest and most valiant of soldiers not only guarding the borders of this country, not only combating insurgency in this country, not only assisting law and order in this country but have even contributed towards the development of areas, growth of townships and providing relief to the people during natural calamities. In fact, Assam Rifles has rightly been described as the sentinels of the North-East. It started as Cachar Levy with about 700 or 800 and odd people and today it comprises of 46 Battalions, almost big, if not bigger than many of the regular Armies in many countries. This Cachar Levy later got transformed into Assam Military Police and then it became Frontier Police. It was in 1917 that the name Assam Rifles was given to them and in 1941, the Central Government came into the picture. Assam Rifles became part of the Central Government establishment and later on its operational control was given to the Army, but the administrative control remained with the Ministry of Home Affairs.

Assam Rifles had made heroic sacrifices and contributions during the First World War. It made very significant contributions during the Second World War in fighting Japanese invasion from Myanmar towards the North-East border.

Sir, the Assam Rifles has operated not only in the North East but also in areas like Patna, in Kashmir and even in tackling law and order situation in various parts of the country.

Shri Bachi Singh Rawat has rightly talked about various problems that the Assam Rifles jawans faced. But one of the most talked about difficulties the jawans of the Assam Rifles faced was because of the archaic Assam Rifles Act where according to the old Act, I think, the Commandants and the Asstt. Commandants were the most superior officers. Even the Director Generals did not have much *locus standi* in the legal procedure. Now, this Bill has been brought about on the line of ITBP Act and as a result, lots of facilities and privileges will now come and lots of irregularities that were there earlier will now become regularized. For example, now, Assam Rifles will have their own system of court martial. The court martial is a very important regulatory procedure in a paramilitary force. Similarly, so far as the privileges and amenities of the soldiers are concerned, this Bill takes care of a lot of problems though I do not say that it takes care of all the problems. I do agree that

there has been a long-standing demand for canteen facilities and there has been a long-standing demand from the Assam Rifles jawans for the retirements' benefits at par with the regular Army[R35].

There is a lot of concern about the plight of their children because all the time they are the standing and combating force in a very hostile terrain. Unlike the Army, the Assam Riles do not have any peace-time or soft postings. They are all the time at war. We must pay tributes to these brave people who have kept the North-East on the national mainstream not only through the use of force but also by helping the people culturally and at social levels.

The Assam Riles has been called the left arm of the civil administration and the right arm of the military. That is because the Assam Rifles played a very significant and unique role in the sense that at that time itslef the Britishers viewed that more than a regular army, the Indian force needs a specialised battalion to tackle some of the peculiar problems that India faced at that time. It is becoming extremely relevant today. In fact, I think the battalions are fighting insurgency. They are to tackle insurgency and maintain law and order. I think, you will agree it is the call of the day.

There is a duality of opinion as to whether we should send the Army straightaway to deal with the civilian situation or not; whether the Army should be sent to combat terrorism or not. There are various Army experts who say that by doing this we are softening the Army. To fight insurgency and terrorism under a specialised dispensation is the need of the hour. Organisations like the Assam Rifles has got a lot to do about it. It is our duty to see that they are given due recognition.

As I said earlier, I will not go into the details. I would just make a few general remarks very briefly because the time is limited. I think the welfare measures which have been enumerated here are quite sufficient but definitely more needs to be done. There can be no two opinions about it. The stress factor is there. We should not over-emphasise that all the officers are all the time gunning for somebody. But stress is there. But that is not peculiar only to the Assam Riles. It is an existing phenomenon in the case of police and the paramilitary forces. It is to their credit that Assam Riles have shown greater resilience in dealing with the situation than the other forces.

There is a lot of clamour about the housing facilities to the paramilitary forces. We need to pay more attention to these people. There is also a necessity of seeing the procedural fairness of the Court Martial. Right emphasis should be given to the procedural fairness of the Court Martial. The issue is whether a single officer is enough to go through the process of judicial scrutiny or whether you need a team of officials. Rawat ji has talked about the voting system. I would still say that it is always better to go for a consensus opinion or a majority opinion than a single opinion. We should all keep that in mind.

Lastly, I would only like to conclude by saying that when we talk of the valiant role played by the Assam Riles, we must also not forget that there is a lady by name Irom Chanu Sharmila in Manipur who is still undergoing fast for more than two years. We must also not forget that there are, at times, certain amount of complaints against the misuse of power by the Assam Rifles personnel. I would suggest that there must be a mechanism to deal with the public complaints against the jawans[R36].

The last submission that I would like to make is, since the Assam Rifles fights insurgency peculiarly particularly in the North East, the composition of the force should be on an all-India basis. But to deal with the insurgency situation and to fight the insurgents of the North East, a greater presence of the people of the North East in the force is necessary. Therefore, I urge upon the Minister to see that during the recruitment, youth of the North East should be encouraged to join the Assam Rifles because only if the composition comes from the local area, they will be in a better position to deal with insurgents who are also from that area. Then, the national or anti-national, regional or anti-regional question will get submerged and the Assam Rifles will become a strong instrument to fight terrorism not only at the physical level but also at the psychological level.

With these few words, I, once again, pay my tribute to the jawans of the Assam Rifles for their valiant role in guarding the North East and I congratulate the Minister for getting this Bill passed here today.

SHRI T.K. HAMZA (MANJERI): Mr. Chairman, Sir, I thank you very much for giving me this opportunity to participate in this discussion on the Assam Rifles Bill.

This force was initially established in 1835. At that time, it was a very small force and it was formed to protect the security of the country. Subsequently five battalions were formed and now it has got 46 battalions. With the increase in the population of this country, the personnel of this force also increased in number. Their problems have also increased in number now.

The Assam Rifles Act was enacted in Parliament in the year 1941, but there is one lacuna. It is not applicable to the officers or members of the force itself. So, these days there are problems among them. They have to modernise the law according to the present situation. Therefore, this Bill has become essential.

Sir, in this Bill severe punishment has been suggested for small offences. For small offences like sleeping at the time of fighting against the enemy and for taking drinks, severe punishments are suggested. I agree that punishment must be given for such offences, but those punishments need not be very severe. They are always posted in such areas where disturbances are going on and they are facing very serious problems on the border. So, I would request the Government that the problems of the officers and soldiers of this force should kindly be looked into. Their position is very bad. The climate in border areas is bad and they face all sorts of difficulties at the border. Therefore, their interests should kindly be looked into.

With these few words, I support this Bill.

श्री शैलेन्द्र कुमार (चायल) : सभापति महोदय, असम राइफल्स विधेयक, 2006 के संबंध में चर्चा में बोलने का मौका दिया, इसके लिए मैं आपको धन्यवाद ज्ञापित करता हूं। मैं इस बिल का पुरजोर समर्थन करता हूं। वर्ा 1950 प्रारम्भ में सिर्फ 5 बटालियन असम राइफल्स की थीं। असम सैन्य बल 1941 के अधिनियम के तहत ही इसके सभी कार्य होते थे। अब इसमें लगभग 46 बटालियनें हैं। प्रशासन और प्रबंध एक जटिल समस्या थी। इसे सुलझाने के लिए विधेयक लाया गया है। मेरे खयाल से सभी, जो इसमें भाग लेने वाले हैं और जिन लोगों ने इस विधेयक के बारे में पढ़ा होगा तथा सैन्य बल के बारे में पढ़ा होगा, मैं व्यक्तिगत रूप से असम राइफल्स की प्रशंसा भी करता हूं क्योंकि यह सर्वोत्म केंद्रीय बलों से से एक बल है। असम राइफल्स को सेना का बल भी कहा जाता है। जो केंद्र शासित राज्य हैं वहां पर इन बलों की विशेा भूमिका है। चाहे वह भारत की सीमाओं की सुरक्षा की बात हो या आंतरिक सुरक्षा कानून व्यवस्था की बात हो, या आतंकी हमले की बात हो, बढ़चढ़ कर असम राइफल्स उनके खिलाफ भाग लेती है और इनका कार्य बहुत सराहनीय रहा है। इस बिल में तमाम प्रावधान किए गए हैं, इस बल के लोग जो सीमाओं पर है, मानसिक तौर पर, मनोवैज्ञानिक तौर पर देखा गया है कि कभी कभी जब इनकी कुछ घरेलू परिस्थितियां होती हैं और जब यह छुट्टी के लिए आ वेदन करते हैं, तो इन्हें समय पर छुट्टी ने मिलने के कारण ये अपने ही साथियों के साथ गोलाबारी करते हैं और आपस में मारे जाते हैं। इससे सैन्य बल में मानसिक और वैज्ञानिक तौर पर इनका उपचार होना चाहिए। खास कर इनके परिवार के लिए ही नहीं, इनके कल्याण के लिए जितनी भी योजनाएं हैं उनका लाभ इनको मिलना चाहिए, चाहे वह इनके बच्चों की शिक्षा या स्वास्थ्य की हो या अन्य प्रकार की कल्याणकारी योजना हो, उनका फायदा इन्हें मिलना ही चाहिए। हमें मानवीय दृटिकोण से भी सोचना चाहिए कि हमारे बीच के अपने भाई बंधु जो सेना में भर्ती हो कर जाते हैं। इनकी भी अपनी जरूरतें होती हैं, इनकी अपनी मजबूरियां होती हैं। उन पर विशेा तौर पर ध्यान देना चाहिए और इस बिल में मैंने देखा कि बहुत से प्रावधान किए गए हैं और खास कर इनके विवादों को निपाटने के लिए जो न्यायालय से संबंधित बातें कही गई हैं, इस मौजूदा विधेयक में, मेरे खयाल से बहुत कारगर होगा। खास कर प्रशासन और प्रबंधन में इस बिल का बहुत महत्वपूर्ण योगदान होगा। मैं इन्हीं बातों के साथ ज्यादा कुछ न कहते हुए इस बिल का पुरजोर शब्दों में समर्थन करते हुए अपनी बात समाप्त करता हूं।

श्री गणेश प्रसाद सिंह (जहानाबाद) : सभापति महोदय, असम राइफल्स विधेयक, 2006 के लिए आपने मुझे बोलने का अवसर प्रदान किया, इसके लिए मैं आपका आभार व्यक्त करता हूं। असम राइफल्स के जवानों, उनके पदाधिकारियों और उनके साथ उत्पन्न समस्याओं और सीमांत क्षेत्रों में जो अपराध होते हैं, उन पर नियंत्रण करने के लिए यह बिल लाया गया है। अभी-अभी मैंने बिल को देखा है। इस बिल को 12 अध्यायों में खंडित करके 168 धाराओं का समावेश किया गया है। इन धाराओं में असम राइफल्स बल के साथ-साथ उसके स्थापन, गठन और उसके बाद जो अपराध कितने प्रकार होते हैं, दर्शाया गया है। अभी मैंने देखा कि धारा 21 से 46 तक इसमें अपराधों के प्रकार बताए गए हैं और उन अपराधों के लिए एक सजा निर्धारित करने के लिए तीन तरह के न्यायालय भी बनाए गए हैं। एक समरी न्यायालय है, दूसरा पेट्टी न्यायालय और तीसरा जनरल न्यायालय है। इन तीनों न्यायालयों में 30 प्रकार के लघु अपराध को, जिसमें लघुतर सजा का प्रावधान होगा, उसके लिए लघु न्यायालय में उनकी सुनवाई cÉäMÉÉÒ[i37]।

मैंने देखा है कि इतने तरह के अपराध हैं। इसमें न्यायालय का गठन किया गया है। जो अपराध दर्शाए गए हैं उसमें मृत्यु दंड और आजी वन कारावास का प्रावधान किया गया है, 14 या 10 साल की सजा का प्रावधान किया गया है लेकिन जो न्यायालय का गठन और स्वरूप है उसमें कानूनी जानकारी रखने वाले व्यक्ति का प्रावधान नहीं किया गया है। इसलिए मेरा व्यक्तिगत सुझाव होगा कि प्राकृतिक न्याय की जो बात की जाती है और न्यायिक प्रक्रिया के अनुसार लोग न्याय चाहते हैं उसके लिए आवश्यक है कि इसमें कानूनी प्रक्रिया की जानकारी का व्यक्ति होना चाहिए। मृत्यु दंड देने का जहां तक प्रश्न है, मेरा सुझाव होगा कि उसमें सत्र न्यायाधीश स्तर के पदाधिकारी को पीठासीन पदाधिकारी के रूप में नियुक्त करना चाहिए। इसके ऊपर गृह मंत्री विचार करें।

मेरे साथियों ने बताया कि असम राइफल्स का काम सबसे कठिन है और उन्हें काफी दुर्गम क्षेत्रों में, पहाड़ों में डयूटी और कर्तव्य का पालन करना पड़ता है। अगर छोटी सी गलती हो जाए तो सजा मिलती है। आपको इस पर विचार करना चाहिए।

कभी-कभी ऐसा देखा जाता है कि जब किसी जवान से कोई अधिकारी नाराज हो जाता है तो उस पर गलत आरोप लगाकर सजा देने का काम किया जाता है। यदि अपराध के बारे में किसी को सजा सुनायी जाती है, उस समय पूछा जाता है कि आपको किसी पदाधिकारी के ि वरुद्ध कुछ कहना है तो वह बताता है कि अमुक व्यक्ति मेरे खिलाफ है या मेरे विरुद्ध सजा सुनाने वाला है। इस बिल के अनुसार वे उसकी सुन वाई नहीं करेंगे। इसमें ऐसे सभी प्रावधान किए गए हैं।

महोदय, मैं कह रहा था कि ये जवान दुर्गम स्थानों पर काम करते हैं। पहले असम राइफल्स विधेयक 1941 था लेकिन उसका कोई प्र ायोजन नहीं रहा। 1950 तक इनकी पांच बटालियन थी लेकिन आज 46 हो गई हैं। इस प्रकार इसमें काफी संख्या की वृद्धि हो गई है। मेरा कहना है कि दुर्गम कार्य करने वाले कर्मचारियों और पदाधिकारियों को ज्यादा सुविधाएं प्रदान करनी चाहिए। वे जाड़े, गर्मी, बरसात के दिनों में बराबर डयूटी पर रहते हैं। वे हमारी सीमाओं की रक्षा करते हैं। जो जवान राट्र विरोधी काम करते हैं उन पर भी नियंत्रण करना चाहिए। असम राइफल्स स्थानीय प्रशासन के साथ मिल कर शांति-व्यवस्था बनाए रखने में सहयोग करता है। इसलिए उन्हें पूरी सुविधाएं देनी चाहिए। जैसी आर्मी में सु िवधाएं मिलती हैं वैसी सुविधाएं इनको भी देनी चाहिए। उन्हें क्वार्टर की सुविधा मिलनी ताहिए। दुर्गम स्थानों में क्वार्टर नहीं मिल सकते हैं। पहाड़ी, बर्फीले या जंगलों के निकटतम जो क्षेत्र हैं, उनके परिवार को वहां रहने के लिए आवास की सुविधा मिलनी चाहिए। उनके बच्चों के लिए पढ़ाई की व्यवस्था होनी चाहिए। वहां विद्यालय होने चाहिए। असम राइफल्स के जवानों के स्वास्थ्य की भी जांच सदैव होनी चाहिए। देखा जाता है सशस्त्र बलों के जवानों को छुट्टी नहीं मिलती हैं। उनके परिवार में कोई घटना हो जाती है तो वे जब छुट्टी की एप्लीकेशन देते हैं तो उन्हें छुट्टी नहीं दी जाती है। इसका उनके दिमाग पर भारी असर पड़ता है। उनके परिवार में क्या कठिनाई है, वे कैसी आर्थिक, सामाजिक कठिनाई से गुजर रहे हैं, इसका ध्यान रखना चाहिए। वे अपने परिवार से न मिलने के कारण परेशानी से गुजरते हैं[R38]। वे अपने परिवारों से न मिलने के कारण मानसिक रूप से विक्षिप्त हो जाते हैं, ऐसे समय में उनके इलाज के लिए एक डाक्टर होना चाहिए, जो हमेशा उनके स्वास्थ्य की जांच करे और उन्हें चिकित्सा सुविधाएं प्रदान करे।

सभापति महोदय, मैं कहना चाहता हूं कि जो बिल लाया गया है, यह बहुत प्रशंसनीय बिल है, मैं इसका समर्थन करता हूं और आशा करता हूं कि मैंने अपने वक्तव्य में जो सुझाव दिये हैं, उन पर माननीय गृह मंत्री जी अवश्य विचार करेंगे। इन्हीं शब्दों के साथ मैं अपनी बात समाप्त करता हूं।

SHRI SUGRIB SINGH (PHULBANI): Hon'ble Chairman Sir, I rise to support the Assam Rifle's Bill 2006 on behalf of the Biju Janata Dal. This force is meant to protect the nation from the menace of terrorism and extremism. Starting from the soldiers to the high ranking officials, 'Assam Rifle' in a dedicated body of people. The responsibility of providing every facility to them lies with the Central Government. Although late, this bill is certainly a welcome step in the right direction. We hope that this Bill will offer a ring of protection and benefit the force as a whole. The staff of Assam Rifle have been serving our nation with dedication and sincerity.

Everyday we come across so many disturbing pieces of news on Television, Radio and Newspapers. The tentacles of terrorism is spreading far and wide in our country. As citizens we are deeply troubled by such incidents. Infiltrators are entering our country with sinister designs. Their sole aim is to disturb peace. We have witnessed the recent bomb blasts in Delhi and Mumbai. Even a peaceful state like Orissa is not free from violence and insurgency. Now naxalites have expanded their network in this state. They are targeting the innocent citizens and disturbing normal life. Now the time has come to deal with this problem sternly. A para-military force like the Assam Rifle is very much essential for the whole country. The Central Government must think along these lines. I humbly request the Hon'ble Home Minister to act accordingly. Assam Rifle was

established in 1975 with only 5 battalions. Now the number of battalions have gone up to 46. But the requisite number of posts of D.G, D.I.G and I.G etc. have not been increased. Several posts are lying vacant and should be filled up. Central Government has wasted a lot of time in the process. But I am optimistic that after this discussion in this House, things will improve.

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* English Translation of the speech originally delivered in Oriya

Sir, we must not forget that personnel in these Border Security Forces like Assam Rifles are deployed in border areas, where the terrain is hostile, hilly and weather conditions are often severe. Life in general is very difficult. These people sacrifice a lot for the sake of the nation. They stay away from their families braving harsh winter, hot summer and torrential rains. They have no family to give them emotional support or physical comfort. In return the Government should at least ensure that these people get their due from society.

Sir, Assam Rifle's Bill presented today contains some very good points. But some of the articles enshined here are not very praiseworthy. Especially I would like to mention about the penal provision. So far as punishment is concerned the provisions are rather harsh. Keeping in mind the difficulties these people face there should be a lenient view regarding minor offences. Negligence to duty if not serous in nature should be viewed less sternly. Errors should not be projected as of deliberate intent and should not involve servere punishment. It should not be treated as conspiracy against the nation. There should be a sympathetic approach. These people who sacrifice their lives for the nation deserve all the recognition. After retirement they must be extended all sorts of facilities on a priority basis. Their children should get good education. Their families should have health care facilities. The soldiers who are valiantly keeping a day and night vigil on our borders should have peace of mind that their families are financially and socially secured. Hence apart from all the perks, they must be allotted quarters within the vicinity. Sir this Bill on Assam Rifle is sure to give a boost to the morale of the force. I believe the Central Government should show its commitment and sincerity by speedily passing the Bill. On the behalf of my party the Biju Janta Dal, I extend whole-hearted support to this Bill.

SHRI AJOY CHAKRABORTY (BASIRHAT): Mr. Chairman, Sir, the hon. Minister has brought forward this Bill for the approval of this House. I think, there is no divergence of opinion among the Members. Cutting across the party lines, all the Members should approve this Bill. I also support and approve this Bill.

Assam Rifles is one of the oldest battalions of our country. All the facilities should be given to the jawans of the military and paramilitary groups because they are sacrificing their lives for their motherland, they are protecting our motherland, they are facing the onslaught of terrorism and they are fighting against terrorism.

Sir, from election to natural calamity, their services are being utilized. Their services are utilized by the civil authority for the peaceful conduct of elections, and also to help people, rescue people and save people at the time of natural calamities. Not only that, whenever law and order problem arises in any State, the concerned State Government used to call the military and paramilitary groups to maintain peace and tranquillity in the State.

Sir, all these battalions, since their inception, are doing tremendous job for the country. Even they are sacrificing their lives also. So, we support this Bill, and all the facilities should be given to the jawans of the Assam battalions.

There are so many problems which the jawans of the military and paramilitary groups are facing. One of the problems is the mental problem. Deserting their houses, deserting their terrain, wife and children, they are moving in jungles[lh39].

They carry out their work and duties in the hilly areas and jungles. Sometimes, they are not even getting their leaves sanctioned. Whenever they approach the higher authority for leave, say, for the marriage ceremony of their brothers or sisters or daughters or any relation; for the education purpose of their boys and girls; or for medical purposes, the leaves are not granted. Nowadays, we are witnessing that in a barrack, in a camp of the Army, and in the BSF paramilitary group, some jawans are committing suicides, killing themselves by opening fire from the service revolver. So, everything is happening now. These things are coming in the newspapers and electronic media also.

Not only that, whenever a jawan falls in great difficulty or his family is in the grip of a difficult position, the civil authorities are not coming forward to help his families, to assist his families. Suppose, a jawan belongs to Orissa and he is posted in Andhra Pradesh in Aurangal district or Nagar district to combat terrorism, and suppose unfortunately, his family falls in great difficulty, the civil authorities of the State are not coming forward to help his families. I do not want to mention only Andra Pradesh. Even in my State of West Bengal also, the same is the position. When a jawan is in distress condition, he is in great difficulty; the Collector, the Superintendent of Police and other civil authorities are not coming forward to save his families, to assist his families, to help his families. This is the position.

But I have a privilege to mention one thing. I am not maligning these Forces. I am residing in the border area; the constituency of our Minister of Parliament Affairs is also in the border area. I am pained to say that sometimes, the Border Security Forces are in conflict with the civil authorities; they fall in trouble with the people. So, in connivance with the Border Security Forces personnel, all the essential commodities are being smuggled from India to Bangladesh. Is it possible if the BSF can seriously deal with the situation? There is a lacuna in the BSF. I do not want to malign the BSF; they are protecting our motherland. But they should be friendly to the general public, people. I have told on several occasions that the BSF authorities and their jawans should be friendly to the people and not act like the enemy of the people.

Sir, I would like to refer one matter here.

MR. CHAIRMAN : Are you referring to the BSF matter? I would request you to kindly confine yourself to the Bill only

SHRI AJOY CHAKRABORTY : It is on the same parameter. I am coming to that.

MR. CHAIRMAN: Please conclude now.

SHRI AJOY CHAKRABORTY : Within a few minutes, I am concluding.

Excuse me, Sir. Shall I mention the name of the State? It is Manipur. Manipur is now the hotbed of unrest. Isaac and Muivah of NSCN(IM) are sitting in Bangkok; they are pulling the strings behind the scene. They want to destabilize Manipur. We should fight for the unification of Manipur. Manipur has tremendous historical, political and culture background. Netaji Subhash Chandra Bose hoisted the Tricolour National Flag in the Mairan of Manipur. The Manipuries sacrificed their lives in the Independence battle of the country. But nowadays, the women folk of Manipur, the students of Manipur are coming on streets against the suppression activities of the Assam Rifles jawans. Even sometimes, the naked women are doing processions protesting against the rape by jawans of the Assam Rifles on the ladies of Manipur. They should not subscribe to these things. Manipur is the hotbed of unrest. The Home Ministry knows better than us. Sometime, they are creating blockades. This pattern should be restrained[KD40].

They should be friendly to the people. It is because there are so many allegations and so many complaints against the *jawans* of the Manipur Rifles by not only the students but also by the women folk. They are coming in the street in naked and tell them, 'rape us'. What is this? I do not malign these Forces but they should be friendly to the country. They should be apprised of their job. They are for the country. They are for the protection of the country and not for the enemy of the people. I hope the Home Ministry will look into this matter. They should control the Forces and advise them to behave friendly with the people and not indulge in activities which create law and order problem in the State of Manipur and other States.

I hope these Forces will be controlled. They should be friendly to the people. They will assist the civilian authorities, particularly in the State of Manipur and in the other States of the North-Eastern region for the peaceful establishment of those States.

Lastly, I support this Bill.

SHRI TAPIR GAO (ARUNACHAL EAST): Hon. Chairman, Sir, I am standing here to support this Assam Rifles Bill, 2006. This is a long pending Bill, and I congratulate the hon. Home Minister who brought this Bill.

Before going into the clauses, I would like to salute the armed personnel of the Assam Rifles. They have done a tremendous job for the development of the North-Eastern Region. If I have seen an army in my life for

the first time, then I have seen the Assam Rifles as the first army in my life. Since childhood, we have got the experience in the North-Eastern region. The Bill is to bring uniformity amongst the para-military personnel of this country. It was a long pending Bill which we are going to pass in this House.

There is a very sensitive case about which I would like to inform this august House. I would like to request the hon. Home Minister to be very particular about clause 6 of Chapter II regarding enrolment or recruitment.

I am from Arunachal Pradesh. In 2004, from Tirap district of Arunachal Pradesh, which is infested by the insurgency of North-East, 100 personnel were supposed to be recruited in the Assam Rifles. More than 500 applicants attended that recruitment. But of the 100 personnel supposed to be recruited from that district, only 20 boys of Tirap district had been recruited against the 100 sanctioned posts. The only reason was that their height was not under the requisite prescribed standard.

Sir, in the tribal regions of the North-East, whether it is Arunachal Pradesh or Nagaland or Manipur or Mizoram or Meghalaya, the All-India Armed Forces' requisite height is 5.7 or 5.8 or something. But the average height of the North-East people is 5 point something. So, I had personally intervened with the former Director-General of Assam Rifles, and then they could relax the height up to some extent and a few boys had been recruited. So, I would request the hon. Home Minister to insert a particular point here in clause 6 of Chapter II that for the boys of the North-Eastern region, while in recruitment, the alienation may not generate any problem in future. So, I would request the Home Minister to look into this clause very seriously[m41].

Secondly, I would like to mention about clause 21 (f) and (g) in Chapter IV related to offences. In clause 21 (f) it is stated that :

"in time of active operation … alarm or despondency; or"

This is a very particular clause in Chapter IV relating to offences.

The House, and the country cannot forget the incident of Ms. Manorama Devi of Manipur. I would like to request the hon. Home Minister to insert a particular clause as follows :

> "while doing insurgency operations in the public, the paramilitary will arrest the public or the common people before handing them over to the civil court and the civil police without proper identification, if they are killed."

What will be the punishment for paramilitary personnel -- whether from the Assam Rifles, BSF or any other paramilitary or armed forces -- if anything happened like that happened to Ms. Manorama Devi? I would like to state that this clause is required in it. One of our hon. Members, Shri Kirip Chaliha, also highlighted that if this clause is not included in it, then it will be more dangerous in the situation that is there in Manipur, and the North Eastern regions.

If I am not mistaken, one lady by the name of Ms. Sharmila is still on a fast until death in Manipur for more than five years against the Armed Forces Special Power Act. If this clause is not included in the Chapter IV dealing with offences, then it will be a dangerous weapon in the hands of the paramilitary forces. I salute the Assam Rifles, but if this clause is missing from it, then it will be dangerous with all that is happening in Manipur. These are the two particular points, which I would like the hon. Minister to look into.

The Assam Rifles personnel are not only fighting insurgency in the North Eastern region, but the Assam Rifles personnel are also guarding three international borders. In Arunachal Pradesh, they are guarding against China; on the eastern part they are guarding against Myanmar; and in the south they are guarding against Bangladesh.

In my Parliamentary constituency, I used to interact with these Assam Rifles personnel whenever I went there. Actually, we have to deal with them in a humane manner. They are not robots, and they are all our brothers. The main problem with them is housing. These personnel are engaged in the forest and snow-filled areas. Of course, they are doing their duty in the outposts, but their children, and friends -- with whom they are living in the headquarters -- are housed in residential places that have worst conditions. I have practically seen this for the Assam Rifles personnel in the States of the North Eastern region. Therefore, I urge upon the hon. Minister that the issue of housing, schooling facilities, medical facilities, etc. should be particularly specified while considering this Bill for the Assam Rifles personnel.

There is one peculiarity in the armed forces. The Govt. of India are categorised differently in the army, and the paramilitary forces. In paramilitary forces, the benefits of pension or any compensation given in case of death or an accident to the paramilitary personnel are lower than that provided in Army, Navy and the Air Force. If we are going to equalise the system with the Indian Army, then the pension, compensation for death, etc. for the paramilitary forces like BSF, etc. should also be equalised with the Army.

Therefore, this is my humble submission to the hon. Home Minister that he should look into it accordingly, so that our *jawans* who are guarding this country can be mentally free from thinking about all these problems.

I would like to mention one more point with regard to paramilitary forces, and the Army[ak42].

If there is any property dispute or land dispute in their hometown, they are not able to face civil courts because they do not get leave. So, there should be some provision in this Bill so that their cases are taken up immediately in the civil courts. If such a provision is included, then our paramilitary brothers who are serving us in the border can be mentally free from these and do their duties.

We have seen that the personnel of Assam Rifles do many other social activities. They are not only guarding the country; they are not only fighting insurgents in the North-East; they are doing many social activities. So, some monetary provision should be included in this Bill so that they can exercise more social activities in the interior villages, in the border villages where they can distribute books, undertake construction of school buildings, bridges, roads, etc. So, some monetary provisions can also be included in this Bill so that people living in the border areas, where there is no communication facility, can get some facilities from these organisations.

With these words, I support the Bill.

SHRI D. NARBULA (DARJEELING): Sir, I thank you very much for giving me this opportunity to speak on Assam Rifles Bill, 2006.

I rise to support the Bill moved by the hon. Home Minister. Assam Rifles is one of the oldest paramilitary forces in our country with chequered history of 171 years; it was raised in the year 1835 and has been deployed mostly in the North-Eastern region. Since then, this force has been doing its best to perform whatever duties that are assigned by the authority. Most of the top posts of Assam Rifles are filled up by the officers deputed from regular army. So, it is more a regular army than a paramilitary force. Since the establishment of this force, it has been doing its best to perform whatever duties that are assigned by the army authority, whether in war or in peace time.

The Assam Rifles comes under the Army's command and control for any kind of operational duties. Assam Rifles has taken part in the wars and achieved glorious fame. It participated in the First and Second World Wars, Sino-Indian War in 1962, Indo-Pak wars in 1965 and 1971 and received many gallantry awards for bravery. Similarly, the Assam Rifles took part in the fight against the terrorists in Jammu & Kashmir and received many gallantry awards for their bravery. The Assam Rifles was also deployed in Sri Lanka to do the duty of IPKF. The Assam Rifles have been deployed in the remote insurgent areas to fight against the insurgents in the North East Region.

But I would like to state that after serving in the Assam Rifles when its personnel retire, the Assam Rifles Ex-Servicemen are not provided the same benefits and facilities like that of the Ex-Servicemen of the regular Army. There is also a lot of difference and discrimination from other paramilitary forces like BSF, CRPF, SSB, ITBP and CISF. One is that the payment system of the above mentioned paramilitary forces is pay bill system whereas in the Assam Rifles, there is IRLA, Individual Running Ledger Account System like in the Army. Secondly, the Assam Rifles personnel are authorized to any army establishment for any type of duty during the service period. The LRC, Last Ration Certificate is acceptable to Army. There is no LRC system in the above mentioned paramilitary force[V43].

Till 2005, Assam Rifles Battalion No.30 was deployed in North Sikkim and its Rear Transit Camp was in Sevoke Road, Siliguri. So, before moving the aforesaid Assam Rifles Battalion to Nagaland, the CSD canteen and liquor were being supplied to Assam Rifles ex-Servicemen at Darjeeling District. As you know, most of the Assam Regiment retired people have settled in my constituency in the hill city of Darjeeling. After moving this regiment from Sikkim, there is no Assam Rifles Battalion now in the areas of Sikkim or West Bengal. Hence, the supply of above stores has been totally stopped. As a result the ex-Servicemen of my constituencies are totally deprived of these facilities.

I, therefore, request the hon. Home Minister to look into the grievances of the Assam Rifles ex-Servicemen, who have rendered service to the Force and help remove the discrimination. Certain re-settlement provision should also be provided to them. The wards and children of the Assam Rifles ex-Servicemen should also be provided education and medical facilities. With these words, I support this Bill.

SHRI SURESH PRABHAKAR PRABHU (RAJAPUR): Assam Rifles Act, 2003 is a legislation with a very limited purpose of replacing the old law with a new one, obviously, because the old one has become out-dated, as has already been mentioned by Members and, therefore, a new law was required. If you look at it, considering the magnitude of the problem, many of these paramilitary forces, which are now working almost at par with our normal military forces, have to perform such onerous tasks. But now it is about time that we look at all our security personnel, whether they are working in full military reforms, paramilitary forces and even the police forces and look at the larger issue in a proper perspective. Therefore, while this Bill is required and we really need to take it forward, it is important that the Government must think about meeting the growing challenge of terrorism, law and order, maintaining peace on international borders. We must have a comprehensive legislation, which will take care of the needs of the hour.

One of the functions Assam Rifles has to perform is, counter terrorism. I think counter terrorism requires a different type of challenge. The terrorism in modern time has assumed such a proportion that we cannot deal it with only law of this nature. As we have seen, most of the terrorists are willing to die for a cause. If that is what it is, the modern laws are made as a deterrent so that crime should not be perpetrated. In many of the crimes that are being perpetrated, we thought the highest punishment that could be given is the capital punishment. If you take away the life of a person, he will deter from committing the crime. But here people are willing to die even before the crime is committed. Therefore, the type of law that we need, the type of force required to deal with terrorism is of a different type. The Government should, therefore, come out with a comprehensive legislation and also a White Paper to deal with the border issues relating to internal security, international border security as well as to deal with the new phenomenon that is now growing in the form of terrorism, which is not just confined to the Indian borders but has the international ramifications. This Bill is required to be taken in that fashion.

The other point which many Members have already raised is, normally when we raise the Force, we actually try to talk about their duties and responsibilities and if they commit an offence or do something improper how that impropriety can be dealt with[R44].

16.00 hrs.

We seldom talk about what are the rights of these Forces. It talks of responsibility but it seldom talks about the rights. Housing is one such problem. We have seen in many of the States that even the police force is supposed to fight all the time. They are supposed to be on the street all the time. But they do not have housing facilities. They do not have enough facilities for their children. Therefore, housing facilities and educational facilities for the children are supposed to be guaranteed by the law of this type. So, while we discuss the Assam Rifles Bill, 2006, we should think about such amenities to be provided to these personnel. It should be an integral part of the legislation of this type. While I support the Bill, I think these types of issues will be taken into account.

SHRI VARKALA RADHAKRISHNAN (CHIRAYINKIL): Sir, I rise to support the Bill. The present legislation became essential in the context of a large number of people serving in the Assam Rifles. Now we have about 46 battalions. So, the law should be very definite and clear. It appears that there are some lacunae in the framing of this statute. From the arrangement of sections and different chapters, it appears that they are very narrative about the offences could be committed by the members of the Assam Rifles and it is for maintaining discipline in the Force. It may appear to be essential but it should have a reformatory approach also because they are Indian citizens working in the border areas. They are doing a very peculiar type of job in the sense that they have to safeguard our borders.

Secondly, they will have to prevent any insurgency activities in cases where the normal law and order fails. They will have to step in and help the State Governments in times of emergency. So, the work assigned to them is very material and important. When we take into consideration all these aspects, we will have to have a reformatory attitude also. They are working in peculiar conditions. But unfortunately, as I go through from the first Section to the last Section I find that the main attempt of the law is to punish them and not to reform them. The framers think that they are dealing with some criminals. This is a law which is very good for the criminals but the people who are working in the border areas are not criminals. They are normal citizens and they have come forward to do a sacred duty. So, we must have a humane approach. Now the entire statute is dealing with the offences and nothing else. I admit that there must be some discipline. There should be some provision for that. I do agree with that. But the thing is whenever we deal with such people, we should not think that there would always be indiscipline. That approach is not correct. We must have a humanitarian approach so far as the

people working in the Assam Rifles are concerned. My humble submission is that it is lacking in that. It will also have to be taken into consideration. This is my feeling.

Now the statute defines three types of courts which will function to deal with the offences. They are defined in Section 86. Now Section 86 deals with three types of courts. One is the General Assam Rifles Courts[r45].

The second is the Petty Assam Rifles Courts and the third is the summary Assam Rifles Courts. Now, these three different kinds of courts can award different kinds of punishments. The first type of courts is meant to deal with offences, which are punishable even, by either life imprisonment or death penalty. They have the authority to award capital punishment. That is the kind of punishment which the Assam Rifles Courts can award. It has been stated in section 128 that all courts function as criminal procedure courts. I would like read the relevant section.

> "Any trial by an Assam Rifles Court under the provisions of the Act shall be deemed to be a judicial proceeding within the meaning of Section 193 and 228 of the Indian Penal Code and the Assam Rifles Court shall be deemed to be the Court within the meaning of Sections 345 and 346 of the Code of Criminal Procedure, 1973."

Therefore, it is legally a court functioning under the CrPC. There is no doubt about that. When a decision is taken by a court of law, which is defined as a court under the provisions of the Criminal Procedure Court, the question is, who should be the Appellate Authority? Lower court awards a capital punishment like death by hanging, the most barbaric form of penalty as has been provided for in this statute, or as an alternative by way of shooting, who should be the Appellate Authority? Now, in an era where all over the world there is a movement going on against awarding death penalty, we in India are discussing about statute imposing death penalty. Death penalty is the most uncivilized form of punishment that can be awarded.

16.07 hrs.

(Shri Babasaheb Vikhe Paitl *in the Chair)*

MR. CHAIRMAN: Shri Radhakrishnan, you may please address the Chair and conclude now. You already have taken seven minutes.

SHRI VARKALA RADHAKRISHNAN: Sir, what should I do? Should I sit down?

MR. CHAIRMAN: As you wish. But please conclude quickly.

SHRI VARKALA RADHAKRISHNAN: Sir, my next point is about the Appellate Authority. A higher court should confirm a judgement entailing death penalty pronounced by a lower court. Now, who should be the

Appellate Authority? In the normal sense, a death sentence would have to be confirmed by a High Court. But here, according to the provisions of this statute, the Home Secretary to the Government of India would be acting like the High Court. As per provisions of this Bill Government is the Appellate Authority. When a citizen is to be hanged for an offence, who should be the final authority to take a view on the judgement so pronounced? According to this statute, the Home Secretary will take a final decision… (*Interruptions*) When a death penalty is provided under the provisions of the Criminal Procedure Act, it has to be confirmed at least by a High Court, otherwise nobody can be hanged. That is the procedure in the common law. But according to this statute the Home Secretary would act as the Appellate authority and when he would give his consent the accused could be hanged. That is not correct. The final decision regarding this would have to be left to a judicial authority. It has come out in the evidence, as per the provisions of this Act, these courts are judicial bodies. Such being the case, the final decision would have to be confirmed by a High Court. It appears, that there is a defect in the procedure[snb46].

The court [bru47]has not been given any power of decision. The most interesting thing is that the Director-General himself can be the final authority to kill a person. This is too much and we are in the 21st century, where we are passing a statute giving the power of making the final decision with regard to the death sentence. We are giving it to a bureaucrat. It should not be like that.

There are many things which I would like to mention but there is no time for it. The constitution of this Rifles court is also defective. The officers alone are not sufficient to do it. Who is to decide about the officer? He should be a person who deals with the legal profession. But the Rifles Court will be filled in with people who are in the Force itself. And two-third majority is enough for killing a person. So, if the members of the Force decide to kill a person, he will be killed. That is the net result of the statute. I think it is highly defective, highly undemocratic and highly unsuited to the present tendency specially in the matter of death penalty. ..… (*Interruptions*)

MR. CHAIRMAN : You are a senior Member. Please co-operate.

SHRI VARKALA RADHAKRISHNAN : There are other points also but if I take them up one by one, it will be ridiculous. Now what will happen if a person is taken as a prisoner by the enemy?

SHRI ARJUN SETHI (BHADRAK): There is the Army Law for it.

SHRI VARKALA RADHAKRISHNAN : The Army Law is not functioning under this situation. It is functioning under civil court..… (*Interruptions*)

MR. CHAIRMAN: Please address the Chair.

SHRI VARKALA RADHAKRISHNAN : Where you apply Army Law, you apply it and not here. Army Law is entirely different. Clause 128 is very clear about it. It says: “This clause seeks to provide that the trial by an Assam Rifles Court shall be deemed to be judicial proceedings within the meaning of Sections 193…” … (*Interruptions*)

SHRI S. REGUPATHY: Sir, I thank all the hon. Members who have welcomed this Bill. Most of them have mentioned about retirement benefits, housing, education and health. Definitely, the facilities enjoyed by other paramilitary forces will be provided to Assam Rifles also.

As regards the court activities, in the Bill, we have formed three different types of courts.

I thank all the hon. Members who spoke and have supported the Bill. They have made certain general remarks related to the welfare of the members of the Force and trial of the cases by the courts constituted under this law. I have taken note of the suggestions given by the hon. Members with respect to the welfare of the members of the Force. We look after the welfare of the members of the Force. There are schemes made by the Force themselves and those schemes are implemented to help them in travelling from places where they work to the places where their family members live and in case they are injured or killed, compensation and required help are given. Sufficient amount of money is also given to them[bru48].

And [r49] this matter is constantly looked into by the officers at the higher level, and also by the Ministry. If something more is required to be done, we would be very happy to do that.

As far as the trial of the offences is concerned -- Shri Varkala Radhakrishnan dealt mostly with this point -- it was rightly suggested that the trial should be fair, otherwise the forces would be demoralised. Suggestions have been given as to how to make these trials fair. It is not necessary for me to go into the details of the procedures which have to be followed in conducting the cases. First of all, the matter will be looked into not by one person sitting as a judge, but by many persons sitting as judges. The law provides that if the accused objects to any person sitting as a judge, that matter can be considered by other members, and if other members also say that person should not be sitting as a judge with them, then some other person can be asked to sit with them. For summary cases, petty cases and grave cases, there is a provision for constituting Summary Assam Rifles Courts, Petty Assam Rifles Courts and General Assam Rifles Courts respectively.

I would like to inform the House that as far as the serious types of cases are concerned, the judgements given or the sentences passed by them have to be confirmed by the Home Ministry or by the officers appointed in the Home Ministry. Generally, the Director-General will be given an opportunity to look into the sentences passed by these Courts. The officers who are having enough experience will be appointed as judges, and they will be allowed to conduct cases.

In the Army and Paramilitary Forces there are officers who are trained to conduct the criminal cases, to get the evidences on records, to examine the evidence, to interpret the laws and to pass the sentences. They are not the persons who are ignorant in matters of law. And then there is, at a high level, a confirmation is required. Now, this is also a sort of precaution taken to see that the serious matters are not decided lightly.

Over and above this, Sir, the matter can go in appeal also and, then it can be decided. So, all that is necessary and proper is provided in this Bill. These provisions have been lifted from other laws which are being used to manage the ITBP or the BSF and for managing the Armed Forces also. I hope that precautions have been taken to see that there are good provisions which can help in seeing that proper justice is dispensed to the accused persons. … (*Interruptions*)

Regarding the age limit, an hon. Member, I think, from Arunachal Pradesh said that tribals average height is only 5.5 feet, so they are not getting any chance to get into paramilitary forces. But that is not correct. There is a relaxation for the tribals in height. For a Scheduled Tribe male, the required height is 162.5 centimetres and for female it is 150 centimetres. It is for Scheduled Tribes. For general candidates, it is 170 centimetres and 167 centimetres for male and female candidates respectively. So, there is a relaxation in the height itself. So, it is not correct to say that.

Regarding other facilities, hon. Members said that Assam Rifles being a paramilitary force, their personnel should be entitled to the same privileges as enjoyed by the personnel of other paramilitary forces. I have already dealt with that. The suggestions of the hon. Members would be kept in mind and we will definitely do our best in this regard.

The Bill has been approved by the Standing Committee and the suggestions given by the Committee have been incorporated. I would not like to say anything more than this. I would request that this Bill be passed.

MR. CHAIRMAN : The question is:

> "That the Bill to consolidate and amend the law relating to the governance of the Assam Rifles, an Armed Force of the Union for ensuring the security of the borders of India, to carry out Counter Insurgency Operations in the specified aras and to act in aid of civil authorities for the maintenance of the law and order and for matters connected therewith, as passed by Rajya Sabha, be taken into consideration. "

The motion was adopted.

MR. CHAIRMAN: Now the House will take up clause-by-clause consideration of the Bill.

MR. CHAIRMAN: The question is:

> "That clauses 2 to 168 stand part of the Bill. "

The motion was adopted.

Clauses 2 to 168 were added to the Bill.

Clause 1, the Enacting Formula and the Long Title were added to the Bill.

चौधरी लाल सिंह (उधमपुर) : महोदय, मंत्री जी ने पैरामिलिटरी फोर्सिस की बात कही है। मैं कहना चाहता हूं कि हमारा राज्य भी इससे संबंधित है। हमारे राज्य में डोगरा जाति के लोग रहते हैं और आर्मी में उनकी भर्ती के लिए लम्बाई 5 फुट 4 इंच रखी थी। लेकिन परसों से इतनी लम्बाई वाले लोगों को कंसीडर नहीं किया जा रहा है। श्री जोरावर सिंह ने जितनी भी भर्ती आर्मी में की थी, वह इसी आधार पर की थी। मैं जानना चाहता हूं कि क्या मंत्री जी इस बारे में कोई कार्यवाही करेंगे?

MR. CHAIRMAN: Mr. Minister you want to react or not; otherwise we will go ahead.

… (*Interruptions*)

MR. CHAIRMAN: Mr. Minister, he wants the facility about Dogra on the lines of the Assam Rifles.

… (*Interruptions*)

MR. CHAIRMAN: Chaudhary Lal Singh, you can talk to him later on.

… (*Interruptions*)

SHRI S. REGUPATHY: Sir, I beg to move:

"That the Bill be passed. "

MR. CHAIRMAN: The question is:

"That the Bill be passed."

The motion was adopted.